

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:06mj235**

UNITED STATES OF AMERICA,)	
)	
Vs.)	ORDER
)	
WILLIAM RICHARD MAXWELL.)	
_____)	

THIS MATTER is before the court upon defendant's Motion for Return of Seized Property (#9). On July 11, 2006, the district court disposed on defendant's identical motion in 1:05cr202, making the issue before this court moot. A motion for return of seized property filed pursuant to Rule 41(g), Federal Rules of Criminal Procedure, survives dismissal of the indictment and thus the defendant filed his motion in the appropriate file.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion for return of Seized Property is **DENIED** without prejudice as moot.

Signed: July 11, 2006



Dennis L. Howell
United States Magistrate Judge

